

REMARKS

Summary of patentability issue

Amended independent 37 recites at least one feature not understood to be disclosed or suggested by the patent to Kato, et al. Therefore, is the outstanding rejection of this claim over this patent still proper?

Status of the claims

Claims 37-52 are pending. Claims 37 and 41-43 have been amended and Claim 52 has been added. Claims 37 and 44 are independent.

Requested action

Applicants respectfully request the Examiner to reconsider and withdraw the outstanding rejection in view of the foregoing amendments and the following remarks.

Allowable subject matter

Applicants gratefully acknowledge the allowance of Claims 44-51, the indication that Claims 38-40 would be allowed if rewritten in independent form, and the indication that Claims 41-43 would be allowed if redrafted to overcome the rejection under 35 U.S.C. § 112, first paragraph, as set forth below and to include all the limitations of the base claim and any intervening claims. In response, Applicants have not redrafted these allowable claims in independent form because the independent claim from which they depend is

believed to be allowable for the reasons discussed below. In addition, Applicants have amended Claims 41-43 to overcome the formal rejection, as discussed below.

Formal Rejection

Claims 41-43 are rejected under 35 U.S.C. § 112, second paragraph. The Examiner states that the recitations in Claims 37-40 contradict the recitations in Claims 41-43 because the member recited in Claims 37-40 appears to refer to the end portion 2a of the shaft 2, while in dependent Claims 41-43 this member appears to refer to an inner wall portion supporting the cap. The Examiner also rejects Claims 42 and 43 because he does not believe that the specification supports the recitation of the cap member being provided with a feeding portion or a shaft.

This rejection is respectfully traversed because Claim 37 is not limited by its language to the end portion 2a of shaft 2, and therefore, Claim 37 does not contradict Claims 41-43. Moreover, as amended, Claims 41 and 42 are supported by, but not limited to, the embodiment shown in Figure 39 in which the capping member and the screw are integral with each other and the internal structure is slidable at the left end portion of the structure. In addition, Claim 43 is supported by, but not limited to, the embodiment shown in Figure 40 in which the capping member is provided with a short shaft which is slidably engaged in the bore provided in the screw shaft.

For these reasons, Applicants respectfully submit that Claims 41-43 satisfy 35 U.S.C. § 112, second paragraph and request that the Examiner withdraw the formal rejection.

Substantive rejection

Claim 37 is rejected under 35 U.S.C. § 102(b) over the patent to Kato, et al. (U.S. Patent No. 4,937,625 cited in the May 14, 2001 Information Disclosure Statement).

Response to rejection

In response, while not conceding the propriety of the rejection, Claim 37 has been amended. Applicants submit that as amended, this claim is allowable for the following reasons.

Independent Claim 37 relates to a toner supply container detachably mountable to an image forming apparatus, comprising a main body configured to accommodate toner, and an opening. Claim 37 also recites that the container comprises a capping member configured and positioned to cap the opening, and a member.

Claim 37 has been amended to recite that the opening is configured and positioned to permit discharge of the toner, the opening being provided in one longitudinal end of the main body. Claim 37 has been further amended to recite that the capping member and the member are coaxially slidable relative to each other.

In addition, Claim 37 recites that slidable movement of the capping member and the member relative to each other opens and closes the opening by relative movement of the capping member relative to the main body. Claim 37 also recites that when the opening is opened to permit toner discharge therethrough, an engagement between the capping member and the member is maintained, and the member and the capping member are slidably movable relative to each other from a state in which the opening is opened to a

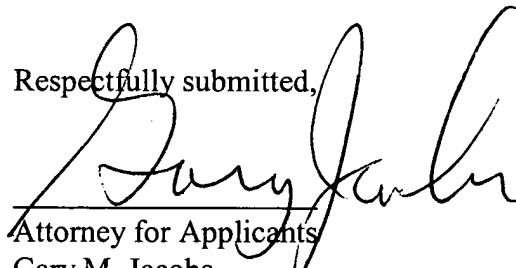
state in which the opening is closed by relative movement of the capping member and the member.

In contrast, the patent to Kato, et al. is not understood to disclose or suggest that a toner discharge opening in a toner supply container is provided in one longitudinal end of the main body or that a capping member and a member are coaxially slidable relative to each other, as recited by amended Claim 37. For this reason, amended Claim 37 is understood to be allowable over the Kato, et al. patent.

In view of the above amendments and remarks, the claims are now in allowable form. Therefore, early passage to issue is respectfully solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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